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Attorney for Defendant Twila Jo Davis

U. S. DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
TWILA JO DAVIS,)	
)	
Defendant.)	Case No. 1:05-cr-0004.3-HRH
)	

MOTION FOR EVIDENTIARY HEARING

Defendant, Twila Jo Davis, by and through her counsel, Meredith A. Ahearn, moves this Court for an evidentiary hearing to establish facts necessary to rule on her pending § 2255 Petition. Ms. Davis has alleged ineffective assistance of her trial counsel, and believes that her testimony and the testimony of trial counsel is necessary in order to establish a record upon which a decision can be rendered. Defendant expects to testify as to her conversations with trial counsel prior to entering into the plea agreement, her understanding of what was included in the plea agreement as to a proposed sentence,

her understanding with regard to her appeal rights, when she first learned of her potential career offender classification, and whether or not she fully understood the implications of that classification prior to her signing the plea agreement.

Defendant also expects to testify with regard to her understanding of what would be presented at an evidentiary hearing. In fact, a motion for evidentiary hearing was filed by trial counsel on February 1, 2006. This hearing was not held as several stipulations were entered into by and between the parties at the sentencing hearing. Ms. Davis will testify as to her understanding of the contents of the plea agreement when she signed it. She will testify that she felt “railroaded” into signing, and signed just prior to the commencement of her sentencing hearing. She will testify as to her understanding of what her sentence would be and why she had that understanding and will testify as to why she believed she should have an evidentiary hearing with regard to matters which she raised about her involvement in the conspiracy, the amount of drugs attributed to her, and her career offender classification.

For the foregoing reasons, Defendant requests that this Court schedule an evidentiary hearing on this matter.

Dated at Anchorage, Alaska this 3rd day of August 2007.

HAGANS, AHEARN & WEBB
Attorneys for Defendant

By: /s/ Meredith A. Ahearn

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CERTIFICATE OF SERVICE

I certify that a copy hereof was served
electronically this 3rd day of August 2007
on:

James A. Goeke
William B. Carey,
D. Scott Dattan
Michael D. Diene
Louis Menendez

/s/ Meredith A. Ahearn
Meredith A. Ahearn

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